



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 13, 1998

Ms. Linda Cloud  
Executive Director  
Texas Lottery Commission  
P.O. Box 16630  
Austin, Texas 78761-6630

OR98-1931

Dear Ms. Cloud:

You ask that we clarify the portion of our decision in Open Records Letter No. 98-1311 (1998) that pertains to the required public disclosure of information about Scientific Games International ("Scientific Games"), one of several companies that submitted proposals for lottery operations and services to the Texas Lottery Commission (the "Commission"). Your request for clarification was assigned ID# 117572.

With regard to Scientific Games, Open Records Letter No. 98-1311 (1998) determined that the Commission may not withhold its proposal from disclosure based on section 552.104 of the Government Code and that Scientific Games had not established the applicability of section 552.110 to the proposal. You now ask whether Scientific Games' responses to questions raised by the Commission after Scientific Games submitted its proposal are excepted from disclosure. Scientific Games argues that its responses to questions 10, 11, 12, 14, 15, 20, 24, 25, 29 and 35 as well as an attached document are trade secrets. Section 552.110 of the Government Code excepts trade secrets from required public disclosure. We have considered Scientific Games' arguments and conclude that Scientific Games has established that its responses to the aforementioned questions are trade secrets. RESTATEMENT OF TORTS, § 757 (1939) (defining "trade secret" and setting forth relevant factors to consider in trade secret determinations); *Hyde Corp. v. Huffines*, 314 S.W.2d 763, 776 (Tex.), *cert. denied*, 358 U.S. 898 (1958); *see also* Open Records Decision No. 552 (1990) at 2. Accordingly, the Commission may withhold the responses from public disclosure based on section 552.110.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Hastings".

Kay Hastings  
Assistant Attorney General  
Open Records Division

KHH/mjc

Ref.: ID# 117572

Enclosures: Submitted documents

cc: Mr. George Kuempel  
Dallas Morning News  
1005 Congress Avenue, Suite 930  
Austin, Texas 78701  
(w/o enclosures)